

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERIC WAYNE BROWN,
Petitioner,

ORDER

09-cv-373-bbc

v.

HOLINKA, Warden,

Respondent.

Petitioner Eric Wayne Brown has moved to strike respondent Holinka's response, contending that it was filed more than 20 days from the date of the order to show cause. Although petitioner is correct, the order required filing not more than 20 days from the date of service of the petition and respondent has yet to be formally served. Because respondent's response was timely, petitioner's motion to strike is DENIED.

Entered this 21st day of August, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge